IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 27562 of 2007(F)

PETITIONER:

A.SHAHIBA, AGED 54 YEARS,
W/O. AHAMED KOYA, AMC XXIII/190, SHAHIBA MANZIL,
LAJNATH WARD,ALAPPUZHA.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS:

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1. THE ALAPPUZHA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY,
ALAPPUZHA MUNICIPALITY.
ALAPPUZHA.

3. THE AHAMEDIYYA MUSLIM JAMA-ATH,
LAJNATH WARD,ALAPPUZHA,
REPRESENTED BY ITS PRESIDENT
P.H.ABDUL RAZZAK.

BY SC SRI.M.K.CHANDRAMOHAN DAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 27562 of 2007

Dated this the 17th day of September, 2007

JUDGMENT

I do not propose to go into the merits of the matter. The allegation of the petitioner is that the 3rd respondent is going ahead with certain construction activities in gross violation of the Building Rules and that the first respondent Municipality is not taking any serious action. Ext.P1 representation has been submitted by the petitioner to the Municipality and Ext.P2 has been submitted to the Chief Minister with notice to the Municipality. I dispose of the writ petition issuing following directions:

If Ext.P1 is even now pending before the Municipality, the Municipality will take up Ext. P1, consider the same in the light of Ext.P2 and the various grounds raised in the writ petition, hear the petitioner as well as the 3rd respondent and take a correct and just decision at the earliest and at any rate within one month of receiving a copy of this judgment. The 3rd respondent is informed that all the constructions which are presently being made will be subject to the orders to be passed by the Municipality on Ext.P1. The petitioner is also directed to serve a copy of this judgment on the 3rd respondent

by Registered Post with Acknowledgment Due immediately. If the Municipality has already issued any stop memo to the 3rd respondent, the Municipality will ensure that the above stop memo is obeyed in all respects by the 3rd respondent.

PIUS C. KURIAKOSE,
JUDGE.

Dpk